In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 14301 of 2006

Date of Decision: 8.9.2006

Satyawan

....Petitioner.

Versus

Bharat Sanchar Nigam Ltd. and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Hemender Goswami, Advocate
for the petitioner.

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J.S. Khehar, J. (Oral).

Through the instant writ petition, the petitioner has impugned the order passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as the Administrative Tribunal), dated 12.1.1999 i.e. more than seven years after the same was adjudicated upon by the Administrative Tribunal. In view of the above, it is apparent, that the instant writ petition deserves to be dismissed only for reasons of delay and laches.

Despite our conclusion recorded hereinabove, we also find no merit in the claim raised by the petitioner in the instant writ petition.

A perusal of the factual position noticed in the order passed by the Administrative Tribunal reveals, that the primary challenge of the

petitioner was against the notice dated 7.2.1990, whereby one month's notice of termination of engagement was issued to the petitioner. In sum and substance, therefore it is apparent, that the petitioner through the instant writ petition, is impugning the aforesaid order dated 7.2.1990.

While adjudicating upon the merits of the claim raised by the petitioner, the Administrative Tribunal arrived at the conclusion, that the petitioner was merely a daily-rated mazdoor, and as such, his claim could not have been considered for regularisation over and above the claim of others who had been vested with temporary status. In so far as, the issue of grant of temporary status is concerned, it is apparent from the pleadings of the case and the annexures appended thereto, that the petitioner had approached the Administrative Tribunal for vesting in him temporary status, and that, in the final order passed by the Administrative Tribunal, the aforesaid prayer made by the petitioner had been declined. Civil Writ Petition No.290 of 1998 filed by the petitioner, contesting the order passed by the Administrative Tribunal, declining the prayer of the petitioner for grant of temporary status, has since been disposed of. In view of the above, it is apparent, that the petitioner has no right, whatsoever, and has in fact, approached this Court without any justification, whatsoever.

In view of the above, we consider it just and appropriate to impose costs on the petitioner while dismissing the instant writ petition. Accordingly, the instant writ petition is dismissed with costs, which are quantified at Rs.2500/-. The aforesaid costs shall be deposited with the Secretary, Legal Services Authority, Union Territory, Chandigarh, within one month from today, and a receipt thereof placed on the record of this case. In case, the aforesaid receipt is not placed on the record of this case

within the time stipulated hereinabove, the matter shall be relisted for further consideration.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

8.9.2006

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